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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,174	07/15/2003	William Mak	5486-0138PUS1	4990
67321 7590 04/11/2008 BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 GATEHOUSE ROAD SUITE 100 EAST FALLS CHURCH, VA 22040-0747				
EXAMINER LONG, ANDREA NATAE				
ART UNIT 2176		PAPER NUMBER		
MAIL DATE 04/11/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/619,174

**Applicant(s)**

MAK ET AL.

**Examiner**

Andrea N. Long

**Art Unit**

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2008 and 19 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15, 18, 19, 26-31 and 77-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 18-19, 26-31, and 77-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/2008 and 03/19/2008 has been entered.

### ***Applicant's Response***

In Applicant's Responses dated 02/19/2008 and 03/19/2008, Applicant amended claims 15, 18, 19 and 26-31, added claims 77-84, cancelled claims 1-4, 16-17, 20-25 and 32-76, and argued against all rejections previously set forth in the Office Action dated 09/19/2007.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 30 and 84** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Dependent claims 30 and 84 contains the limitation “wherein the contents of the second window are substantially identical to only a first subset of contents of the first window”. There is **no** mention in the original Specification of wherein the contents of the second window are substantially identical to only a first subset of contents of the first window.

If the Examiner has overlooked the portion of the original Specification that describes this feature of the present invention, the Applicant should point it out (by page number and line number) in the response to this Office Action.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 77-81** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 77-81 recites the limitation "the controller" in the current claim language. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 31 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 31 is directed to “a tangible computer readable medium”. According to the specification, page 8 paragraph 31, recites, “communication media typically embodies a modulated data signal, such as a carrier wave”. Signals, as a medium is not one of statutory subject matter.

Based upon the cited portion of the Specification, it is unclear whether the “tangible” computer readable medium comprises the data signal/carrier wave. Thus, adding the term “tangible” to the claim language does not overcome the 101 rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 15, 26, 29 -31, 77, 83 and 84 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (Remote Desktop Environments Reflected in Local Desktop Windows, March 1, 1993), hereinafter “Johnson”.**

*For the convenience of the Applicant, the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action. Although the specified citations are representations of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. The Applicant should consider the entire reference(s) as applicable as to the limitations of the claims.*

**As to independent claims 15, 31, and 77,** Johnson teaches a method comprising:

displaying in a first window on a first display device (page 421 – remote workstation's desktop environment) operatively connected to a control device (page 421 – remote workstation's desktop environment (Local Area Network, “LAN”);

displaying a second window on a second display device separate from the first display device (page 421 - local workstation displaying the remote desktop environment in a local window), the second display device operatively connected to the control device (LAN);

displaying a region on the second display device separate from the second window (page 421 & 423, Figure 2 – local desktop), wherein contents on the region are not displayed on the first display device;

updating the first window of the first display device by dragging content from the region on the second display device to the second window (page 424 & 425 – taught as a file object be moved or copied from a local workstation to remote workstation by dragging and dropping objects from the local workstation to the remote desktop environment in the local window displayed on the local workstation).

**As to dependent claim 26,** Johnson teaches dragging content from the second window to the region on the second display device (page 424 & 425 – taught as a file object be moved or copied from a local workstation to remote workstation by dragging and dropping objects from the local workstation to the remote desktop environment in the local window displayed on the local workstation).

**As to dependent claims 29, 30, 83 and 84**, Johnson teaches wherein contents of the second window are substantially identical to contents of the first window (page 421 - the second window on the second display device is a remote desktop environment, which is a mirror of the desktop of the remote workstation). It is noted that a subset can be equivalent to a set and therefore can consist of all elements of a set.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18, 19, 78, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Sigona et al (5694150), hereinafter "Sigona".**

**As to dependent claims 18 and 78**, Johnson teaches dragging content from the region. While Johnson does not forcefully teach the method of which an electronic pen is used for dragging the object, one skilled in the art can infer that the use of an input device is present in Johnson's teachings. Sigona teaches a pen as a known pointing/input device (column 1 lines 34-37).

It would have been obvious to one skilled in the art at the time the invention was made to have incorporated the use of a pen as a user input device to allow ease of dragging and dropping files on a screen and for providing a pointing coordinate.

**As to dependent claims 19 and 79,** Johnson teaches dragging content from one region to another location. Johnson further teaches actions performed on the remote desktop environment displayed in a window on the local workstation require interpreting to correspond accordingly (page 422). While it is reasonable for one of skill in the art to include mapping of coordinates from one region to a remote region, Johnson however does not forcefully teach wherein the step of dragging comprises determining at least a first coordinate of the second display device and mapping the first coordinate to a corresponding coordinate of the first display device. Sigona teaches determining at least a first coordinate of the second display device and mapping the first coordinate to a corresponding coordinate of the first display device (column 4 lines 58-68, column 9 line 55 through column 10 line 4).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Johnson with the mapping of Sigona to provide a smooth transition of information from one region to a remote location.

**As to dependent claim 80,** Johnson teaches dragging content from the second window to the region on the second display device (page 424 & 425 – taught as a file object be moved or copied from a local workstation to remote workstation by dragging and dropping objects from



the local workstation to the remote desktop environment in the local window displayed on the local workstation).

**Claims 27, 28, 81, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Sigona in further view of Herndon et al (6249290 B1), hereinafter “Herndon”.**

**As to dependent claims 27, 28, 81 and 82,** Johnson in view of Sigona teaches the method of claim 18. However Johnson in view of Sigona fails to teach magnifying at least a portion of content in the region on the second display device with said electronic pen and wherein the portion magnified includes information associated with a location of the pointing device with the region. Herndon teaches magnifying at least a portion of content in the region of the second display device using an input device (column 5 lines 1-13 – Herndon teaches zooming in on objects in response to a mouse or keyboard) and wherein the portion magnified includes information associated with a location of the pointing device with the region (column 2 lines 21-29).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Johnson and Sigona with the zooming engine of Herndon to allow users to review available resources from a broad perspective and then focus with greater detail on particular resources.

***Response to Arguments***

Applicant's arguments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection as necessitated by the amendment.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2176

Andrea Long

April 8, 2008

*/Doug Hutton/*

Doug Hutton

Supervisory Primary Examiner

Technology Center 2100